

REMARKS

This Amendment is submitted in reply to the final Office Action mailed on January 25, 2010. No fees are due with this Amendment. The Director is authorized to charge any fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712036-00598 on the account statement.

Claims 1-13 are pending in this application. Claims 1-9, 12 and 13 were previously withdrawn from consideration. In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §103. In response, Claims 10 and 11 have been amended. The amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be reconsidered and withdrawn.

Initially, Applicants note that they amended the claims in the previous response to deleted the elected species, L-carnitine. Applicants apologize to the Patent Office for that amendment. Applicants are currently amending the claims to return to the elected species for a stimulating molecule, L-carnitine. Accordingly, Applicants have taken into consideration previously cited U.S. Patent Publ. No. 2002/0098253 to Riley et al. ("*Riley*") in this response, which will be discussed herein below.

In the Office Action, Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0043983 to Hamilton ("*Hamilton*"). Applicants respectfully submit that Hamilton is deficient with respect to the present claims.

Currently amended independent Claims 10 and 11 recite, in part, administering compositions comprising about 1 mg to about 1 g per kg of body weight per day of L-carnitine that stimulates energy metabolism of the cell and about 0.025 mg to about 250 mg per kg body weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract so as to stimulate production and deposition in skin of glycosaminoglycans, in an orally acceptable carrier. The amendments do not add new matter and are supported in the specification at, for example, Example 1; and page 7, lines 7-8. Applicants have surprisingly found that antioxidants and nutrients which stimulate energy metabolism can improve skin quality by stimulating the production of glycosaminoglycans. Thus, administering the claimed composition can prevent or delay alterations which occur during skin aging. See, specification, Abstract.

Specifically, Example 1 of the specification clearly demonstrates that diet C, which comprises the contents of control diet A in combination with L-carnitine, vitamin C, vitamin E, grape seed extract and cysteine provides for stimulated glycosaminoglycan content in skin when compared to control diet A. Accordingly, it is clear that the specific combination of i) a molecule the stimulates energy metabolism of a cell and ii) antioxidants of the present claims results in a synergistic effect that is not disclosed or suggested by the prior art. Thus, even if the Patent Office had made out a *prima facie* case of obviousness, Applicants have overcome same with experimental data demonstrating surprising results.

Indeed, Applicants submit that the Patent Office has even failed to make out a case of *prima facie* obviousness as the cited references fail to disclose or suggest every element of the presently amended claims. For example, *Hamilton* fails to disclose or suggest compositions comprising about 1 mg to about 1 g per kg of body weight per day of L-carnitine as required, in part, by independent Claims 10 and 11. *Hamilton* also fails to disclose or suggest compositions comprising about 0.025 mg to about 250 mg per kg body weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract as required, in part, by independent Claims 10 and 11. Instead, *Hamilton* is entirely directed to improving pet diets for pets with deficient mitochondrial metabolism. See, *Hamilton*, page 2, paragraphs 16-19. The diets include, at best, carnitine and lipoic acid and fail to disclose or suggest the combination of L-carnitine, vitamin C, vitamin E, grape seed extract and cysteine, let alone the presently claimed amounts of L-carnitine, vitamin C, vitamin E, grape seed extract and cysteine as required by currently amended independent Claims 10 and 11.

Accordingly, Applicants respectfully request that the obviousness rejection of Claims 10-11 under 35 U.S.C. §103(a) to *Hamilton* be reconsidered and withdrawn.

Additionally, Applicants also respectfully submit that *Riley* fails to disclose or suggest each and every element of the present claims. For example, *Riley* fails to disclose or suggest compositions comprising about 1 mg to about 1 g per kg of body weight per day of L-carnitine as required, in part, by independent Claims 10 and 11. *Riley* also fails to disclose or suggest compositions comprising about 0.025 mg to about 250 mg per kg body weight per day of each of cysteine, vitamin C, vitamin E and grape seed extract as required, in part, by independent Claims 10 and 11. Instead, *Riley* is entirely directed to compositions including Sacred Lotus extract as

an active anti-aging agent. See, *Riley*, Abstract. The compositions, however, fail to disclose or suggest the combination of specific amounts of L-carnitine, vitamin C, vitamin E, grape seed extract and cysteine as required by currently amended independent Claims 10 and 11.

Accordingly, Applicants respectfully submit that *Riley* also fails to render the present claims obvious.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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